

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: April 10, 2017

SUBJECT: ZC Case 16-21 – Final Report for a Proposed Zoning Map Amendment
Petition to Re-Map 1326 North Capitol Street, N.W. from MU-4 to MU-5-A

I. RECOMMENDATION

The Office of Planning recommends the Zoning Commission **approve** the proposed map amendment for 1326 North Capitol Street, N.W. (Square 617, Lots 152-156, 239, 801 and 802) from MU-4 to MU-5-A. As described in this report and in the OP Setdown Report (Exhibit 11), the requested MU-5-A zone would, on balance, be not inconsistent with the Comprehensive Plan. The Mid-City Small Area Plan, approved in November 2014, identifies this specific site as a vacant infill site appropriate for medium density residential/moderate density commercial development.

II. APPLICATION-IN-BRIEF

Applicant	North Capitol Hospitality
Proposed Map Amendment	From MU-4 to MU-5-A
Legal Description	Square 617, Lots 152-156, 239 and 801-802
Property Size	9,401 square feet
Generalized Policy Map Designation	Main Street Mixed Use Corridors
Future Land Use Map Designation	Mixed Use: Low Density Commercial and Moderate Density Residential uses
Applicable Small Area Plan	Mid City East Small Area Plan, approved by Council November 18, 2014 (after the most recent update to the Comprehensive Plan)
Ward, ANC	Ward 5, ANC 5E
Historic District	None

On January 9, 2017, the Zoning Commission set down the application for a public hearing. At the setdown meeting, the Zoning Commission requested additional information from OP and the applicant regarding conformity of the proposal to the Comprehensive Plan.

III. SITE AND AREA DESCRIPTION

The Applicant proposes a map amendment to rezone a site in Square 617 (1326 North Capitol Street, N.W.). The site is bounded by flats and former row houses converted and expanded to office and apartment uses to the north, Hanover Place, N.W. to the south, North Capitol Street, a portion of its grade-separated intersection with New York Avenue to the east, and a public alley to the west.



IV. EXISTING AND POTENTIAL DEVELOPMENT CAPACITY

The Applicant proposes to rezone the subject property from MU-4 to MU-5-A. MU-4 permits low to moderate density mixed-use development on properties with access to main roadways. MU-5-A permits moderate to medium density compact mixed-use development with an emphasis on residential use on arterial streets. On the District of Columbia Functional Classification Map, dated September 26, 2016, North Capitol Street is identified as a principal arterial roadway.

The following is a comparison of the existing and proposed zoning.

	Existing Zone: MU-4	Proposed Zone: MU-5-A
Permitted Uses	MU-Use Group E	MU-Use Group E
Height (max.)	50 feet	65 feet; 70 feet with IZ
Floor Area Ratio (max.)	2.5 (1.5 non-residential) 3.0 with inclusionary zoning	3.5 (1.5 non-residential) 4.2 with inclusionary zoning
Lot Occupancy (max.)	100% (60% residential)	100% (80% residential)
Rear Yard (min.)	15 feet	15 feet

The site is currently vacant.

V. MID CITY EAST SMALL AREA PLAN

As shown on the map below and as described in Section V of the OP Setdown Report (Exhibit 11), the subject property is specifically identified in the Mid City East Small Area Plan, for a land use designation change to moderate density commercial/medium density residential. The requested map amendment would be consistent with this change. The proposed rezoning of the subject property to the MU-5-A zone would permit the infill redevelopment of this privately owned vacant property in a manner consistent with the goals and recommendations for this property in the Council approved Small Area Plan.



VI. COMPREHENSIVE PLAN

In Chapters 1 Introduction and 2 Framework Element, the Comprehensive Plan provides important instruction for how the various parts of the Comprehensive Plan, including the Citywide Elements, and the individual Area Elements, with Policy Focus Areas, are to be read and balanced, as well as

how to incorporate additional direction provided in Council approved small area plans and other plans. In addition, these chapters of the Comprehensive Plan provide guidance for the use of the Generalized Policy Map and Future Land Use Map, and how they are intended to be balanced against other planning priorities and initiatives.

Chapter 1, Introduction

The Three “Tiers” of Planning:

Since the late 1980s, the District has maintained a three-tiered system of city planning comprised of:

- a. Citywide policies*
- b. Ward-level policies*
- c. Small area policies. 104.1*

In the past, the Comprehensive Plan has been the repository for the citywide and ward-level policies. The small area policies, meanwhile, have appeared in separately bound “Small Area Plans” for particular neighborhoods and business districts. As specified in the city’s municipal code, Small Area Plans provide supplemental guidance to the Comprehensive Plan and are not part of the legislatively adopted document. 104.2

Citywide and Area Elements - *Although the Citywide and Area Elements are in separate sections of this document, they carry the same legal authority. The Area Elements focus on issues that are unique to particular parts of the District. Many of their policies are “place-based,” referencing specific neighborhoods, corridors, business districts, and local landmarks. However, the policies are still general in nature and do not prescribe specific uses or design details. Nor do the Area Elements repeat policies that already appear in the citywide elements. They are intended to provide a sense of local priorities and to recognize the different dynamics at work in each part of the city. 104.6*

Small Area Plans - *As noted above, Small Area Plans are not part of the Comprehensive Plan. As specified in the DC Code, Small Area Plans supplement the Comprehensive Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors. In the past, Small Area Plans have been prepared for places in the city where District action was necessary to manage growth, promote revitalization, or achieve other long-range planning goals. Examples include the H Street NE corridor, the Takoma Metro station area, and the Shaw/Convention Center area. Small Area Plans are adopted by the DC Council by resolution. The Comprehensive Plan is adopted in a different manner—by legislation—and becomes part of the DC Municipal Regulations. 104.8*

Chapter 2, Framework

Comprehensive Plan Guiding Principles:

- 4. The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. 217.4*
- 6. Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6*
- 7. Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 217.7*

Mixed Use Categories

The Future Land Use Map indicates areas where the mixing of two or more land uses is encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. ... 225.18

A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. ... 225.21

Guidelines for Using the Generalized Policy Map and the Future Land Use Map

The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions. Several important parameters, defined below, apply to their use and interpretation

- a. *The Future Land Use Map is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements for setbacks, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Map is to be interpreted broadly.*
- b. *The Future Land Use Map is a generalized depiction of intended uses in the horizon year of the Comprehensive Plan, roughly 20 years in the future. It is not an “existing land use map,” although in many cases future uses in an area may be the same as those that exist today.*
- c. *The densities within any given area on the Future Land Use Map reflect all contiguous properties on a block—there may be individual buildings that are higher or lower than these ranges within each area. Similarly, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here.*
- d. *The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. ... 226.1*

Future Land Use Map (FLUM)



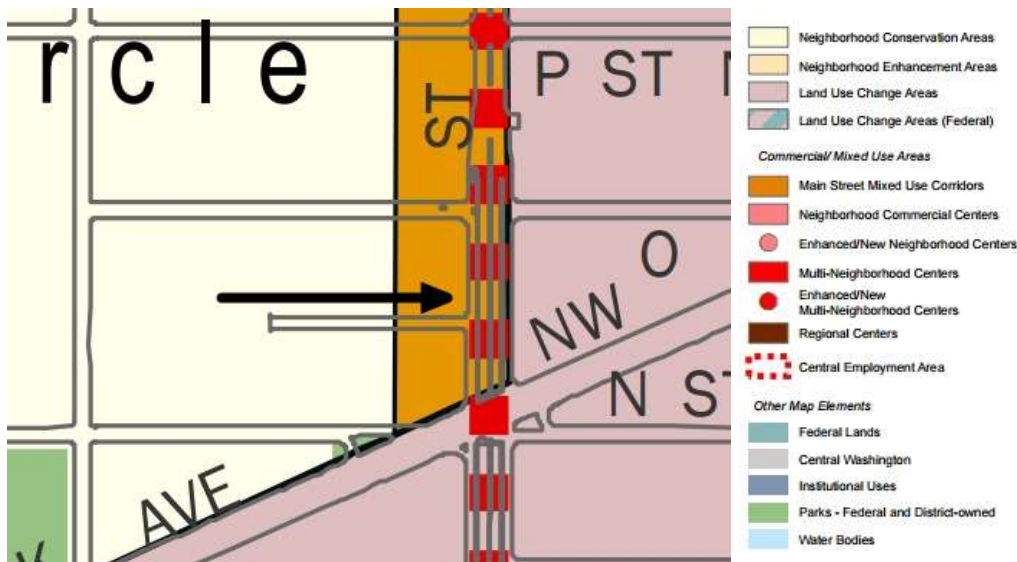
Moderate Density Residential: *This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of*

*the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations.*¹ 225.4

Low Density Commercial: *This designation is used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply.*² 225.8

The subject property is located at the edge of downtown, as indicated on both the Generalized Policy Map and the Future Land Use Map. Properties on the east side of and across North Capitol Street from the subject property are designated for High Density Commercial use. The striping over the general location of the subject site indicates a mixed use designation, where “[t]he general density and intensity of development ... is determined by the specific mix of uses shown.” (255.19) The proposed map amendment to MU-5-A would be not inconsistent with these land use designations when read together with the Policy Map direction and policies discussed below, and as further supported by the direct language in the Council approved Small Area Plan for this specific site, which encourages development on this specific site at a moderate density commercial / medium density residential level.

Generalized Policy Map



The Generalized Policy Map identifies the site as being located within a Main Street Mixed Use Corridor. This designation encourages redevelopment that supports transit use, enhances the pedestrian environment, and fosters economic and housing opportunities. The dashed red line on North Capitol Street indicates the edge of the Central Employment Area (CEA), with the subject property located outside of, but adjacent to, the CEA.

¹ Corresponding ZR16 zone names are R3=R-3, R-4=RF-1, R-5-A=RA-1 and R-5-B=RA-2

² Corresponding ZR-16 zone names are C-1=MU-3, C-2-A=MU-4.

VII. COMPREHENSIVE PLAN POLICIES

The Property is located in the Near Northwest Area Element of the Comprehensive Plan³. There are policies within the Near Northwest Area Element, and in many of the Citywide Elements, which encourage optimal land use, transit-oriented development, mixed use development, neighborhood-serving retail, housing, and economic development. An initial review of the proposal against Comprehensive Plan policy statements was provided in the OP Setdown Report (Exhibit 11). Additional Comprehensive Plan analyses is provided below, supplementing the setdown report.

Chapter 3, Land Use

Policy LU-1.1.7: Central Employment Area Edges *Support the retention of the established residential neighborhoods adjacent to the Central Employment Area. Appropriate building setbacks, lot coverage standards, and a stepping down in land use intensity and building height shall be required along the edges of the CEA to protect the integrity and historic scale of adjacent neighborhoods and to avoid creating sharp visual distinctions between existing and new structures.* 304.13

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods *Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.* 309.8

Policy LU-2.3.4: Transitional and Buffer Zone Districts *Maintain mixed use zone districts which serve as transitional or buffer areas between residential and commercial districts, and which also may contain institutional, non-profit, embassy/chancery, and office-type uses. Zoning regulations for these areas ... should ensure that development is harmonious with its surroundings, achieves appropriate height and density transitions, and protects neighborhood character.* 311.6

Chapter 5, Housing

Policy H-1.1.1: Private Sector Support *Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.* 503.2

Policy H-1.1.3: Balanced Growth *Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.* 503.4

Policy H-1.1.4: Mixed Use Development *Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.* 503.5

Chapter 7 Economic Development

Policy ED-2.2.3: Neighborhood Shopping *Create additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development*

³ Directly across to North Capitol Street is the Central Washington Area

on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences. 708.7

Chapter 9, Urban Design

Policy UD-2.1.3: Downtown Edges *Establish and maintain scale and density transitions between Downtown and adjacent lower density neighborhoods. Use variations in height, massing, and architectural quality to ensure that the fine-grained pattern of adjacent neighborhoods is protected.* 909.10 (See Figure 9.9)

Policy UD-2.2.4: Transitions in Building Intensity *Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood.* 910.11

Chapter 10, Historic Preservation

Policy HP-2.3.3: Spatial Character of L'Enfant Plan Streets *Protect the generous open space and reciprocal views of the L'Enfant Plan streets, avenues, and reservations. Protect the integrity and form of the L'Enfant system of streets and reservations from inappropriate new buildings and physical incursions. Support public and private efforts to provide and maintain street trees to help frame axial views and reinforce the city's historic landscape character.* 1010.5

Analysis

The Land Use and Urban Design Elements encourage transitions in building intensity, as proposed in the subject application, especially at the edge of the central employment area. The proposed map amendment would help to implement gradual versus sharp scale transitions, between the edge of downtown and a moderate density residential area, as shown in Figure 9.9 above. The property on the east side of North Capitol Street is zoned to permit buildings up to a height of 130 feet and the neighborhood to the west of the subject property is zoned to permit residential buildings up to a height of 35 feet by right. The proposed MU-5-A zone would permit a scale of building that would provide the desired transition of new development, and balance the provision of a building on this vacant site at a scale that would better serve to buffer the moderate and low density residential communities to the west, while encouraging new development that would be more typical of a major District corridor such as North Capitol Street.

The requested map amendment would facilitate the reinforcement and improvement of North Capitol Street as an important corridor by promoting improvements to this currently vacant site. The additional height and density permitted on the subject property would strengthen the framing of the view shed of the Capitol Building from the north, in combination with the future development expected on the east side of North Capitol Street, a L'Enfant Street. Development of this site at the



proposed scale, as envisioned in the small area plan, would also help to better define the edge of downtown and separate it from the lower density residential land uses to the west.

The Comprehensive Plan and the Small Area Plan also encourage the provision of additional housing, including affordable housing, by the private sector, particularly on vacant land along major corridors as part of mixed use developments with neighborhood serving retail.



In summary, planning in the District as described in the Introduction Element is based on a three-tiered system, ranging from citywide planning, ward-level plans, and small area plans. The Comprehensive Plan states that small area plans are intended to provide supplemental guidance to the Comprehensive Plan, even though they are not a part of that document. Small area plans are prepared to provide additional support for the revitalization or growth in specific locations where necessary.

The Mid City East Small Area Plan, a small area plan approved by Council, covers the part of the city in which the subject property is located, and makes specific recommendations for the subject property to encourage the revitalization of this vacant lot. The small area plan designates the subject property a “Land Use Designation Change Area”, recommending that the land use designation for the specific subject property to be changed from low density residential to moderate density commercial/medium density residential. The MU-5-A zone requested by the applicant would further the recommendations of the small area plan, and be not inconsistent with the policies and direction outlined in the Comprehensive Plan.

IX. AGENCY REFERRALS

DDOT, in a memorandum dated April 5, 2017 found that the proposed map amendment should have no adverse impacts on the travel conditions of the District's transportation network.

DHCD, in an email dated April 6, 2017, indicated that it did not oppose the application, "but would appreciate any opportunity to require deeper affordability if possible."

No comments were received from other District agencies.

VIII. COMMUNITY COMMENTS

ANC 5E, at its regularly scheduled meeting of March 21, 2017, voted to support the application.

One letter was submitted to the file in support of the application (Exhibit 16).

No other comments were received.

JS/sjm^{AICP}